

Main F-16 23/2007-PLN II - Vol-II

Election Commission Of India

Nirvachan Sadan, Ashoka Road, New Delhi-110 001

No. 30/2007/ENS

Dated: 2nd November, 2007

To

The Chief Secretaries
to the Government of
all States/Union Territories.

Sub: Preparation of Electoral Rolls – regarding.

Sir,

You are aware that under Article 324 (1) of the Constitution of India, the superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to Parliament and to the Legislature of every State and of elections to the Office of President and Vice-President held under the Constitution is vested in the Election Commission of India. In the discharge of its Constitutional obligations of preparation/revision of electoral rolls, the Commission issues various directions under the Representation of the People Act, 1950 and the Registration of Electors Rules, 1960, from time to time. In addition, the Commission has also issued different instructions and clarifications. All the above constitute the framework under which the preparation and revision of electoral roll is carried out.

2. Under Section 13 A of the R.P. Act, 1950, there is a Chief Electoral Officer for each State/UT who is designated or nominated by the Election Commission in consultation with the State Government. Similarly, under Sections 13AA, 13B and 13C of the 1950 Act, there are District Election Officer in each district, an Electoral Registration Officer for each constituency and one or more Assistant Electoral Registration Officers who supervise the preparation and revision of electoral rolls of the State/district/constituencies within their respective jurisdictions subject to the superintendence, direction and control of the Election Commission.

3. For conduct of administrative business related to the elections, many States have either a separate department or a separate division in a department and, in most of these cases, the CEO is designated as the ex-Officio Secretary. These departments discharge their duties under a

Minister allotted elections as a subject. However, it is clarified that this administrative arrangement does not make the officers mentioned in Part II-A of R.P. Act of 1950 and Part-IV of the R.P. Act of 1951 subject to superintendence, direction and control of the Minister, and, thus he does not have any role to play in the activities listed in Article 324 of the Constitution of India, preparation and revision of electoral rolls being one of those.

4. It has come to the notice of the Commission that a Minister, in one of the State Governments, chaired a meeting in a Collector's (DEO's) Office for review of work of photo electoral rolls. The Commission has considered this as violation of the provisions of Constitution stated above and those of R.P. Act of 1950. It is directed that any officer or staff required by or under the R.P. Act 1950 to perform any official duty in connection with preparation, revision or correction of electoral rolls, shall not attend or arrange a meeting on the subject by or for anyone, other than the persons authorized under law or nominated by the Election Commission in that behalf.

5. The Commission desires that this matter be conveyed to elected representatives in the State including the Council of Ministers and they may be advised against any direct involvement with the process of revision of Electoral Rolls.

Yours faithfully,


(Ritvik Pandey)
Secretary

1. Copy to the CEOs of all States and Union Territories for their information.

2. The contents of the letter should be brought to the notice of all DEOs/EROs/AEROs for their information and compliance.


(Ritvik Pandey)
Secretary